

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following Department rule:

Facility Capacity

This rule is amended to reflect changes in utilization of facilities and to conform with changes made by the RI General Assembly in the FY 2014 budget. The Rhode Island Department of Children, Youth and Families partnered with families, stakeholders and advocates to identify the Juvenile Detention Alternatives rubric as an appropriate tool and this facility usage is consistent with this instrument. This policy also proceeds from the requirements of RI General Law, Federal Law, RI Supreme Court Decisions, the Federal Consent Decree in *Inmates of the RI Training School v. Janice DeFrances*, and /or federal regulation. In the amendment of this rule, consideration was given to: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This amended rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) or the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>). Interested persons may submit written comments by June 11, 2014 to Susan Bowler, Implementation Director for Policy and Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Posted May 9, 2014

Facility Capacity

Rhode Island Department of Children, Youth, and Families
Division of Juvenile Correctional Services: RI Training School

Policy: 1200.0002

Effective Date: May 17, 2010

Revised: 2014

Version: ~~12~~

~~RI General Law (RIGL) 42-72-17.2 provides that the Training School consists of a youth development center, a youth assessment center and a female correctional treatment facility. The youth development center and the youth assessment center have a maximum legal capacity of one hundred and forty-eight (148) detained and/or adjudicated males. The female correctional treatment facility has a maximum legal capacity of twelve (12) detained and/or adjudicated females.~~

RI General Law (RIGL) 42-72-17.2 provides that the Training School consists of a youth development center, a youth assessment center and a female correctional treatment facility. Female residents (detained and adjudicated) occupy one 24-bed unit at the youth development center. The youth development center and the youth assessment center have a maximum legal capacity of one hundred and forty-eight (148) detained and/or adjudicated males and females.

Related Procedure

[Facility Capacity](#)

[Related Policy](#)

[Legal Establishment](#)

[Mission, Philosophy, Goals and Purpose](#)

Facility Capacity

Procedure from Policy 1200.0002: Facility Capacity

- A. Capacity by facility and unit
 - 1. The capacity of the Roosevelt Benton Youth Assessment Center is 52 beds.
 - 2. The capacity of the Youth Development Center is 96 beds.
 - ~~3. The capacity of the Female Correctional Treatment Facility is 12 beds.~~
 - ~~4.3.~~ Paragraph A is consistent with American Correctional Association (ACA) Standards 3-JTS-2B-03 and 2-JDF-2B-02.

- B. If the census approaches ninety-five percent (95 %) of maximum population capacity, the Director of the Department notifies the Chief Judge of the Family Court.
 - 1. The Superintendent or designee refers to the Court for release those juveniles who do not pose a credible risk of harm to self or others or for whom there is no substantial risk that the youth may leave the jurisdiction of the state.
 - 2. Following a hearing, the Family Court authorizes the release of such youth unless the Court finds that the child poses a substantial risk of harm to self or others or has demonstrated that he or she may leave the jurisdiction of the Court.
 - 3. Any child who has been certified and adjudicated pursuant to 14-1-7.2 and 14-1-7.3 may not be released prior to the end of his sentence, except as authorized under 14-1-42.
 - 4. Paragraph B is consistent with ACA Standards 3-JTS-2B-03, 2-JDF-2B-02, 3-JTS-2B-08 and 3-JDF-2B-06.